

Newburger & Vossmeier, LLC

Attorneys at Law

One Metropolitan Square, Suite 2400
St. Louis, Missouri 63102
(314) 436-4300
Facsimile (314) 436-9636

DOCKET FILE COPY ORIGINAL

Steve Vossmeier
(1944-2001)
David J. Newburger
Jerald A. Hochshtein
T. Patrick Deaton

david.newburger@newvoss.com
Direct Line: (314) 436-1890

April 23, 2001

RECEIVED

APR 24 2001

FCC MAIL ROOM

Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-B204
Washington, D.C. 20554

Re: Application by SBC Communications Inc. for Authorization under Section 271 of the
Communications Act to Provide In-region, InterLATA Service in the State of Missouri,
CC Docket No. 01-88

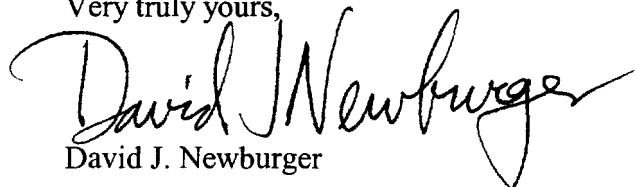
Dear Ms. Salas:

Enclosed please find an original and four copies of the comments of the Campaign for
Telecommunications Access in the above-referenced matter. Please file the same.

Also please find enclosed an extra copy of the comments and a self-addressed return
envelope with postage prepaid. Please return a file stamped copy of the comments to me.

Thank you for your assistance in this matter.

Very truly yours,


David J. Newburger

DJN:id.360

cc: Janice Myles
Michael K. Kellogg and Geoffrey M. Klineberg
Dan Joyce
Layla Seirafi

No. of Copies rec'd 074
USABCDE

RECEIVED

APR 24 2001

FCC MAIL ROOM

Commenter: Campaign for Telecommunications Access
§ 271 Applicant: SBC Communications, Inc.
State: Missouri

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)
)
Application by SBC Communications Inc.)
for Authorization under Section 271)
of the Communications Act to Provide) CC DOCKET NO. 01-88
In-region, InterLATA Service in the)
State of Missouri)
)

TO: The Commission

Comments of Campaign for Telecommunications Access; American Association of Retirement Communities; American Council of the Blind; American Council of the Blind of Texas; American Council of Blind Enterprises & Services, Inc.; Linda Baker-Oberst, Disability Area Representative, Missouri Governor's Council on Disabilities; Robert S. Barela, Board Member of the National Hispanic Counsel on Aging; Coast Line College Foundation Emeritus Program; California Congress of Senior Citizens; Diane Coleman, Executive Director, Progress Center for Independent Living; Benjamin A. Collier, Vice Chairman, Alzheimers Committee, National Association of Federal Employees; Wally Daeley, Representative for Montana, National Committee to Preserve Social Security and Medicare; [continued on second cover page]

David J. Newburger
Newburger & Vossmeier
One Metropolitan Square, Suite 2400
St. Louis, Missouri 63102
Voice/TDD: 314/436-4300
Telecopier: 314/436-9636

April 23, 2001

[Commenters continued from first cover page] Deaf, etc., Grand Rapids Center for Independent Living; Deaf Women of Austin; Harris J. Ducote, Member and past Chair of the Louisiana Executive Commission on Aging; Everybody Counts, Inc.; The Reverend Edward Fields, Member, Missouri Governor's Commission on Special Health, Psychological & Social Needs of Minority Older Individuals; Good News Grannies; Josephine L. Gould, Former President, Georgia Silver Haired Legislature, and Member, Atlanta Regional Commission Advisory Board on Aging; Dr. David B. Gray, Program in Occupational Therapy, Washington University School of Medicine; Karen Hirsch, Ph.D., Consultant, Missouri Institute of Mental Health; Anne-Marie Hughey, Executive Director, National Council on Independent Living; Illinois Council of the Blind; IMPACT; Kansas Silver Haired Legislature; Donna J. Kidd, Former Director, Jayhawk Area Agency on Agency, and Past President, Topeka Chapter of Linx Incorporated; Homer Lear, Speaker Emeritus of the Texas Silver Haired Legislature; Gerri Lewis, Member, Tulsa Commission on Aging; LINK, Inc.; Living Independence for Everyone; Donnie Martin, Texas Delegate to National Silver Haired Congress; Jack McSpadden, Consultant on Adaptive Technology; Memphis Center for Independent Living; Mideast Area Agency on Aging; Missouri Association of the Deaf, Inc.; Missouri Council of the Blind; National Council of Silver Haired Legislatures; National Silver Haired Congress; Northeast Missouri Council of the Blind; Options for Independent Living, Inc.; Paraquad; Resource Center for Independent Living; Ray Roberts, Speaker of House Emeritus, Florida Silver Haired Legislature; Southern Indiana Center for Independent Living; Southwest Society on Aging; Texas Association for the Deaf; Texas Money Management Program, Family Elder Care; Texoma Aging and Developmental Disability Coalition; James Trent, Professor, Department of Social Work, Southern Illinois University-Edwardsville; Virginia Zachert, Ph.D., Professor Emerita, Medical College of Georgia, and Retired Captain, US Air Force

Summary

The Campaign for Telecommunications Access; American Association of Retirement Communities; American Council of the Blind; American Council of the Blind of Texas; American Council of Blind Enterprises & Services, Inc.; Linda Baker-Oberst, Disability Area Representative, Missouri Governor's Council on Disabilities; Robert S. Barela, Board Member of the National Hispanic Counsel on Aging; Coast Line College Foundation Emeritus Program; California Congress of Senior Citizens; Diane Coleman, Executive Director, Progress Center for Independent Living; Benjamin A. Collier, Vice Chairman, Alzheimers Committee, National Association of Federal Employees; Wally Daeley, Representative for Montana, National Committee to Preserve Social Security and Medicare; Deaf, etc., Grand Rapids Center for Independent Living; Deaf Women of Austin; Harris J. Ducote, Member and past Chair of the Louisiana Executive Commission on Aging; Everybody Counts, Inc.; The Reverend Edward Fields, Member, Missouri Governor's Commission on Special Health, Psychological & Social Needs of Minority Older Individuals; Good News Grannies; Josephine L. Gould, Former President, Georgia Silver Haired Legislature, and Member, Atlanta Regional Commission Advisory Board on Aging; Dr. David B. Gray, Program in Occupational Therapy, Washington University School of Medicine; Karen Hirsch, Ph.D., Consultant, Missouri Institute of Mental Health; Anne-Marie Hughey, Executive Director, National Council on Independent Living; Illinois Council of the Blind; IMPACT; Kansas Silver Haired Legislature; Donna J. Kidd, Former Director, Jayhawk Area Agency on Aging, and Past President, Topeka Chapter of Linx

Incorporated; Homer Lear, Speaker Emeritus of the Texas Silver Haired Legislature; Gerri Lewis, Member, Tulsa Commission on Aging; LINK, Inc.; Living Independence for Everyone; Donnie Martin, Texas Delegate to National Silver Haired Congress; Jack McSpadden, Consultant on Adaptive Technology; Memphis Center for Independent Living; Mideast Area Agency on Aging; Missouri Association of the Deaf, Inc.; Missouri Council of the Blind; National Silver Haired Congress; National Council of Silver Haired Legislatures; Northeast Missouri Council of the Blind; Options for Independent Living, Inc.; Paraquad; Resource Center for Independent Living; Ray Roberts, Speaker of House Emeritus, Florida Silver Haired Legislature; Southern Indiana Center for Independent Living; Southwest Society on Aging; Texas Association for the Deaf; Texas Money Management Program, Family Elder Care; Texoma Aging and Developmental Disability Coalition; James Trent, Professor, Department of Social Work, Southern Illinois University-Edwardsville; Virginia Zachert, Ph.D., Professor Emerita, Medical College of Georgia, and Retired Captain, US Air Force submit these comments under the consolidated name "the Campaign."

The organizations and individuals who are participating in this filing of the Campaign work to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to

ensuring that older adults and people with disabilities – and all citizens for that matter – have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible.

Both existing and new telecommunications technologies are essential for many older adults and people with disabilities to live their own lives with independence and dignity. Obviously, the telephone is the lifeline to family and emergency care givers when the need arises. That it reaches all Americans and is highly efficient are both essential to its performing that function.

Then consider future technologies. We have the capacity today to put health clinics, schools, universities, libraries, jobs in homes and neighborhoods without moving people and all through various interactive, broadband technologies. Videoconferencing allows the deaf to sign by telephone and grandparents to see grandchildren far away. It also allows true discourse between professor and remote student, true medical evaluation between doctor and remote patient, and so forth. These technologies and others promise to allow older adults and people with disabilities to integrate themselves within the society in general regardless of where they are located and without having to overcome the sometimes overwhelming challenges of transportation.

We have not, however, spread those technologies to residential consumers across the Nation. The Campaign's concern is whether the evolution of telecommunications regulation will assist in accomplishing that end. Therefore, the Campaign's foremost concern in all telecommunications cases before the Commission is this: Does each

proposal or application guarantee that, or foster a situation in which, advanced technologies will reach, and current technologies will continue to reach, the Campaign's constituents – geographically, technologically, and affordably – even though the Campaign's constituents are spread all over America?

In this proceeding, that question translates into whether allowing SBC in to the long-distance business in Missouri (and elsewhere) makes it more or less likely that people with disabilities, older adults, and all Americans living in SBC's universal service areas will continue to get the existing high quality service at affordable prices and will obtain broadband technology and other advanced telecommunications capabilities as fast and as affordably as possible.

The Campaign concludes that allowing SBC into the long-distance business will foster these interests for two reasons:

(i) No one other than the local telephone companies – including SBC with respect to its traditional, universal service areas – guarantees to serve everybody's telecommunications needs, including everybody who has a disability or is older. Competitor local telephone companies pick and choose which customers to target based on which customers are likely to produce the greatest profits. Lower-end customers, such as many people with disabilities and older adults, are not attractive to competitors. Denying SBC authority to sell long-distance service in its service areas will create a disincentive to its concentrating on providing full service in its traditional service areas. It will concomitantly create incentives for SBC to shift its business strategy to selling in other incumbents' local

territories where, like other competitor companies, it can pick and choose the most profitable customers to target.

Therefore, denying SBC the authority it seeks will leave such customers with no competitors seeking their business and a local telephone company with ever declining interest in their business. Such a result threatens robust universal service that would have provided all customers all present and future telecommunications service sooner and better.

(ii) While choice is a good thing for the economy, many people would choose – and especially many people with disabilities and older adults would choose – to keep telecommunications services simple. Anyone who has attended public town hall meetings, workshops, or the like has heard innumerable complaints that telecommunications services, and their billing mechanisms, are too complex for many consumers – even beyond comprehension for some. One stop shopping may or may not be good business for the providers. That is outside the scope of these comments. But the opportunity to have one telecommunications service provider and one bill is an issue of universal design for some consumers. Allowing SBC to provide long distance in the service areas in which it provides local telephone service will allow consumers to consolidate service providers and simplify their service purchase and payment, thereby assuaging barriers to access that some consumers perceive.

Table of Contents

Summary	i
Table of Contents	vi
II. Introduction and Identification	1
III. The Source of the Campaign's Interest	5
IV. The Core Issue	12
V. Approving SBC's Providing Long-Distance Service in its Service Areas Enhances the Universality of Telecommunications Services for People with Disabilities and Older Adults	14
A. Only the Incumbent Local Telephone Companies Will Provide Universal Service.	14
B. Allowing SBC Authority to Sell Long-distance Service in its Service Areas Will Give SBC an Incentive to Direct its Attention to Providing Full Service in its Traditional Service Areas.	18
VI. Approving SBC's Providing Long-distance Service in its Service Areas Will Facilitate Universal Design of Telecommunications Services for People with Disabilities and Older Adults	22
VII. Conclusion	26

II. Introduction and Identification

The Campaign for Telecommunications Access (the Campaign) works to assure that new telecommunications technologies will be available, usable, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. For purposes of this filing, the Campaign is joined by the following organizations (reference to an organization for each participant marked with an asterisk is for identification purposes only):¹

American Association of Retirement
Communities
Martin J. Darity, Chairman of the Board
Montgomery, Alabama

American Council of the Blind
Paul Edwards, President
Miami, Florida

American Council of the Blind of Texas
Dr. Ed Bradley, President
Houston, Texas

American Council of Blind Enterprises &
Services, Inc.
James Olsen, Executive Director
Minneapolis, Minnesota

Robert S. Barela*
Board Member, National Hispanic Council on Aging
Albuquerque, New Mexico

Linda Baker-Oberst*
Disability Area Representative
Missouri Governor's Council on Disabilities
St. Louis, Missouri

Coast Line College Foundation
Emeritus Program
Neel Buell, Vice President
Fountain Valley, California

California Congress of Senior Citizens
Lois Wellington, Founder
Burbank, California

Diane Coleman*
Executive Director
Progress Center for Independent Living
Forest Park, Illinois

¹We believe that the vision we state here is held by many people and organizations in the communities of older adults and people with disabilities. But for constraints of time and resources many more would have joined us.

Benjamin A. Collier*
Vice Chairman, Alzheimers Committee
National Association of Federal Employees
Jamesburg, New Jersey

Wally Daeley*
Representative for Montana
National Committee to Preserve Social
Security and Medicare
Lambert, Montana

Deaf, etc., Grand Rapids Center for Independent Living
Kim Knerem
Grand Rapids, Michigan

Deaf Women of Austin
Brandy Rarius, Co-chairperson
Jo Bienvenu, Co-chairperson
Austin, Texas

Harris J. Ducote*
Member and past Chair of State Executive Commission on Aging
Mansura, Louisiana

Everybody Counts, Inc.
Teresa Torres, Executive Director
Merrillville, Indiana

The Reverend Edward Fields*
Member
Missouri Governor's Commission on Special Health, Psychological & Social Needs of Minority Older Individuals
Kansas City, Missouri

Good News Grannies
Martha Ashcraft, Co-Director
Dayton, Ohio

Josephine L. Gould*
Former President, Georgia Silver Haired Legislature
Member, Atlanta Regional Commission Advisory Board on Aging
Atlanta, Georgia

Dr. David B. Gray*
Program in Occupational Therapy
Washington University School of Medicine
St. Louis, Missouri

Karen Hirsch, Ph.D.*
Consultant
Missouri Institute of Mental Health
St. Louis, Missouri

Anne-Marie Hughey, Executive Director*
National Council on Independent Living
Arlington, Virginia

Illinois Council of the Blind
M.J. Schmitt, President
Springfield, Illinois

IMPACT
Dick Goodwin, Executive Director
Alton, Illinois

Kansas Silver Haired Legislature
Clarence W. Arndt, Congressman
Overland Park, Kansas

Donna J. Kidd,* Former Director
Jayhawk Area Agency on Agency
Past President, Topeka Chapter of Linx Incorporated
Topeka, Kansas

Homer Lear,* Speaker Emeritus
Texas Silver Haired Legislature
San Antonio, Texas

Missouri Council of the Blind
Chip Hailey, President
St. Louis, Missouri

Gerri Lewis*
Member, Tulsa Commission on Aging
Tulsa, Oklahoma

National Council of Silver Haired Legis-
latures
Felix Nigh, President
Houston, Texas

LINK, Inc.
Brian Atwell, Executive Director
Hays, Kansas

National Silver Haired Congress
Jeanne Tippet, Chairman
Springfield, Illinois

Living Independence for Everyone
Gail Kear, Executive Director
Bloomington, Illinois

Northeast Missouri Council of the Blind
Dennis Miller, President
Kirkville, Missouri

Donnie Martin*
Texas Delegate
National Silver Haired Congress
Houston, Texas

Options for Independent Living, Inc
Thomas J. Diedrick, Executive Director
Green Bay, Wisconsin

Jack McSpadden
Consultant on Adaptive Technology
Little Rock, Arkansas

Paraquad
Max J. Starkloff, President
St. Louis, Missouri

Memphis Center for Independent Living
Deborah Cunningham, Executive Direc-
tor
Memphis, Tennessee

Resource Center for Independent Living
Mary Holloway, Executive Director
Osage City, Kansas

Mideast Area Agency on Aging
Dr. William Keel, Executive Director
Manchester, Missouri

Ray Roberts*
Speaker of House Emeritus
Florida Silver Haired Legislature
Satellite Beach, Florida

Missouri Association of the Deaf, Inc.
William B. Sheldon, Past President and
Director for Telecommunications Policy
St. Louis, Missouri

Southern Indiana Center for Independ-
ent Living
Al Tolbert, Executive Director
Bedford, Indiana

Southwest Society on Aging
Lance Robertson, Executive Director
Stillwater, Oklahoma

Texas Association for the Deaf
Tim Rarius, Executive Director
Austin, Texas

Texas Money Management Program
Family Elder Care
Barbara Ellis, Director
Austin, Texas

Texoma Aging and Developmental
Disability Coalition
Janice G. Thompson, Director
Sherman, Texas

James Trent, Professor
Department of Social Work
Southern Illinois University-Edwardsville
Edwardsville, Illinois

Virginia Zachert, Ph.D.*
Professor Emerita, Medical College of
Georgia
Retired Captain, US Air Force
Modoc, South Carolina

The Campaign has filed comments in other Commission proceedings and has participated in other telecommunications regulatory proceedings.

The participants in this Campaign filing are leaders who are older or have disabilities and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities – and all citizens for that matter – have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible. In the Campaign's working to see that new and existing telecommunications technologies will be available, usable, and affordable for all citizens, the Campaign is an extension of all these participating organizations' mission in the area of telecommunications.

III. The Source of the Campaign's Interest

New telecommunications technology, when fully distributed to the citizenry and usable by and affordable for all, promises numerous new ways for older adults and people with disabilities – and all other citizens – to maintain their independence and lead productive lives. The issue here is whether the Commission approves SBC's entry into the business of providing long distance service to its customers within its service areas, in particular within Missouri. This issue will directly affect the availability, usability, and affordability of new and existing telecommunications for people with disabilities and older adults.

People of these groups represent a considerable portion of the Nation. For example, in 1998, 34.4 million Americans were 65 years of age or older. Administration on Aging, U.S. Department of Health and Human Services, A Profile of Older Americans: 1999, www.aoa.dhhs.gov/. This category of older Americans will double by the year 2030. *Id.* at Figure 1. This population shift will also affect the demographics of the labor force. In 1998, 3.7 million adults age 65 and over were in the labor force, representing about 12 percent of that population segment. *Id.* at Employment. As another study said,

Changes in the age eligibility for Social Security retirement benefits, Medicare eligibility, and private pensions, as well as a decline in personal savings, could result in more older workers remaining in the labor force. Even if the percentage of older workers remaining in the workforce declines slightly, the sheer numbers of "baby boomers," who will be 55 or older in 2005, means that the projected number of persons 55 and over in the labor force will increase by 6.7 million – twice the rate of increase in the total labor force.

Administration on Aging, U.S. Department of Health and Human Services, Employment and Older Americans: A Winning Partnership.

An even larger pool of Americans have disabilities. The conservative estimate is that 15 percent of Americans have disabilities. H. Kaye, *Disability Watch: The Status of People with Disabilities in the United States* 11 (1997). That estimate is in part based on 1992 U.S. Census figures, which show that 49 million people in America had disabilities at that time. President's Committee on Employment of People with Disabilities, *Profit from our Experience* (Oct. 1995). In 1994, only 31 percent of people with disabilities from ages 16 to 64 had jobs while some 79 percent of people with disabilities who were not working wanted to work. *Id.*; National Organization on Disability, *Report* (Fall 1994). Among many other reasons given, 38 percent said they do not have the necessary education, training, or skills to get a job and 28 percent said they lacked accessible transportation.

The Department of Labor found similar trends in a 1999 study:

An additional challenge is raising the labor market activity of people with disabilities. Given their lower educational attainment rates, among other factors, persons with significant disabilities report lower rates of labor market activity. Among labor market participants, persons with disabilities – moderate or significant – were more likely than those with no disabilities to report that they were looking for work or were on layoff rather than working. Persons with moderate disabilities were nearly twice as likely to be looking for work or on layoff as people with no disabilities, and those with severe disabilities were nearly three times as likely. Of persons 20 to 64 years old with severe disabilities, approximately 30 percent either worked, looked for a job, or were on layoff during the last four months of 1994--a stark contrast to the rates of 82 percent and 85 percent respectively for those with moderate or no disabilities.

futurework – Trends and Challenges for Work in the 21st Century, a Report of the United States Department of Labor, September 4, 1999, at 9 [footnote omitted]. See <http://www.dol.gov/dol/asp/public/futurework/>.

The gap between people with disabilities and the rest of the population cannot just be ascribed to such people having poorer educational opportunities. Again, from the *futurework* report:

Education made some difference. Nevertheless, among workers with college degrees, only 52 percent of those with severe disabilities reported labor market activity compared to 90 percent of those with no disability--a gap of 38 percentage points.

Id.

Policymakers commonly ignore the need to assist older adults and people with disabilities to be in the mainstream of society – leaving these population segments underserved. For example, a Missouri study of the needs of older adults showed, among other things, that 67 percent of older Missourians who perceive a need for information services do not get them, 59 percent who perceive a need for elderly care information do not get it, and 37 percent who perceive a need for transportation services do not get them. Missouri Department of Social Services, Division of Aging, *Needs Assessment Study, 1994 Statewide Report*.

All this manifests that people with disabilities and older adults are disproportionately grouped on the wrong side of the so-called “digital divide.” Until recently, statistics were not available to show what is happening in computer and Internet access for people with

disabilities. That changed with a report by the National Telecommunications and Information Administration (NTIA), entitled *Falling Through the Net II: Toward Digital Inclusion*, issued in October 2000. See <http://search.ntia.doc.gov/pdf/fttn00.pdf>. Comparing statistics from earlier studies, NTIA concluded that in many demographic segments in which people have less access to computers and the Internet the gap had narrowed – not so, however for people with disabilities and older adults. For example NTIA reported as follows (*id.* at xvi [emphasis in original]):

Nonetheless, a digital divide remains or has expanded slightly in some cases, even while Internet access and computer ownership are rising rapidly for almost all groups. For example, our most recent data show that divides still exist between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities.

- People with a disability are only half as likely to have access to the Internet as those without a disability: 21.6% compared to 42.1%. And while just under 25% of people without a disability have never used a personal computer, close to 60% of people with a disability fall into that category.
- Among people with a disability, those who have impaired vision and problems with manual dexterity have even lower rates of Internet access and are less likely to use a computer regularly than people with hearing difficulties. This difference holds in the aggregate, as well as across age groups.

NTIA further observed as to older adults, “Individuals 50 years of age and older are among the least likely to be Internet users. The Internet use rate for this group was only 29.6% in 2000.” *Id.* at xvii.

The fact that the older adult and disabled populations are behind in obtaining telephone and computer services is made all the more poignant by the special promise that these technologies have for these segments of the population. Consider, for example, today's telecommunications technologies. Such services as Caller ID screens allow a deaf person to know who is calling even if the caller does not have the sense or knowledge to use a TDD or the Relay Service to call the deaf person. The deaf person can view the screen, return the call via the Relay Service if he or she wants, and complete a communication that previously would have been impossible. Meanwhile, even more recent technology voices the contents of the Caller ID screen, letting people who are blind – and others who simply have their hands full – in on the benefits of Caller ID.

Consider also, for example, the health and safety we entrust to the telecommunications systems. We assume a 911 call, or burglar alarm call to a monitor, or call to a medical care monitor will virtually always go through and go through the first time. Older adults live in their homes longer today, delaying or avoiding moving into nursing homes, because they can rely on the telephone to call for help when they need it. The same is true of many people with disabilities. If the 99.99+ percent consistency of telephone connections declines, people's safety will be put at risk or they will have to give up their independence in live in sheltered situations where that would otherwise be unnecessary.

Tomorrow's telecommunications technologies foretell even greater promise for the Campaign's constituents. Many of the problems people with disabilities and older adults face with obtaining education, transportation, jobs, health care, and other services will be

assuaged or eliminated by the advanced telecommunications technologies that Congress encouraged in enacting the Act. Consider a few.

Academic research is now proving that future telecommunications will enhance the lives of older adults and people with disabilities. For example, Dr. Keiko Nakamura and colleagues report:

Home healthcare using the videophone, in addition to visiting and ambulatory services, was more successful in improving the independence of clients than was care under conventional support programs provided through visiting and ambulatory services. These improvements of clients' functional independence have been realized without adding extra time of professionals involved. This evidence shows the potential for telecommunications technologies to improve the quality of home healthcare.

Nakamura, Takano, and Akao, *The Effectiveness of Videophones in Home Healthcare for the Elderly*, 37 Medical Care, No. 2, 117, 122 (1999)

Meanwhile, telecommuting will allow people with transportation problems to stay in their homes and neighborhoods and work anywhere in the world. Distance learning will allow students to attend the university from their living rooms. People who lack the physical strength to pick up a book will be able to read books located around the world with the punch of a button.

Videoconferencing will allow deaf people to sign to one another. It will allow deaf students to attend any class and obtain deaf interpretation through a screen in the classroom and a remote interpreter located miles away. It will allow grandparents to watch their grandchildren grow even though they may live a continent or more apart.

The examples possible are inexhaustible. Taken together, they illustrate two needs that people with disabilities and older adults – as well as other residential and many small business consumers – have: They need a local telephone system to bring present and future technology to them, wherever they are located. That is, in regulatory jargon, they need the system to provide “universal service.” And they need whatever system they are using to be easily usable for them regardless of age or disability. That is, in regulatory jargon, they need the system to be “universally designed.”

An irreverent commentary of a British e-zine (one that we disagree with vehemently with respect to its conclusions relative to the African-American and Hispanic populations and with its choice of words in referring to people with disabilities, but that nevertheless makes a cogent comment here) describes the significance of forcing people with disabilities to the wrong side of the digital divide –

In previous coverage of the Digital Divide, The Register ridiculed the Clinton Administration's cultural arrogance in calculating the desire of minorities to emulate Whites by getting wired, as if Blacks and Hispanics should be seen as nothing more than Whites in training. With the handicapped, we see an entirely different picture. Disabled people have little to lose and much to gain from joining the wired community. Internet chat and e-mail can provide relief from social isolation; access to news, academic libraries and research materials can be accomplished with a mouse click; Net entrepreneurship can provide a much-needed opportunity to work from home; on-line shopping promises convenience and independence. With the advent of speech-recognition software, the blind, who normally wait months or years for information to be made available in Braille or on audio tape, can access such material as soon as it becomes available. The motor-disabled can use speech-recognition technology to write e-mail, pay bills, or perform work-related tasks, the report observes. Indeed, the more we think about it, the more convinced we are that the true promise of the Internet is precisely that of service to the disabled. We hope they won't be overlooked, as they

so often are, as Washington prepares to propitiate the many competing Sacred Cows of Political Correctness with federal dollars for community investment in technology programmes.

Thomas C. Greene Disabled people represent the true digital divide, The Register, posted 22/03/2000 at 07:57 GMT, <http://www.theregister.co.uk/content/archive/9909.html>. While it has taken some years in coming, finally, the Administration, this Commission, and others acknowledge that older adults and people with disabilities are disadvantaged by being largely left out of these modern telecommunications technologies.

IV. The Core Issue

Therefore, the Campaign's foremost concern in all telecommunications cases before the Commission is this: Does each proposal or application guarantee that, or foster a situation in which, advanced technologies will reach, and current technologies will continue to reach, the Campaign's constituents – geographically, technologically, and affordably – even though the Campaign's constituents are spread all over America?

In this proceeding, that question translates into whether allowing SBC in to the long-distance business in Missouri (and elsewhere) makes it more or less likely that people with disabilities, older adults, and all Americans living in SBC's universal service areas will continue to get the existing high quality service at affordable prices and will obtain broadband technology and other advanced telecommunications capabilities as fast and as affordably as possible.

The Campaign concludes that allowing SBC into the long-distance business will foster these interests for two reasons:

(i) No one other than the local telephone companies – including SBC with respect to its traditional, universal service areas – guarantees to serve everybody's telecommunications needs, including everybody who has a disability or is older. Competitor local telephone companies pick and choose which customers to target based on which customers are likely to produce the greatest profits. Lower end customers, such as many people with disabilities and older adults, are not attractive to competitors. Denying SBC authority to sell long-distance service in its service areas will create a disincentive to its concentrating on providing full service in its traditional service areas. Therefore, denying SBC the authority it seeks will leave such customers with no competitors seeking their business and a local telephone company with ever declining interest in their business. Such a result threatens robust universal service that would have provided all customers all present and future telecommunications service sooner and better.

(ii) While choice is a good thing for the economy, many people would choose – and especially many people with disabilities and older adults would choose – to keep telecommunications services simple. Anyone who has attended public town hall meetings, workshops, or the like has heard innumerable complaints that telecommunications services, and their billing mechanisms, are too complex for many consumers – even beyond comprehension for some. One stop shopping may or may not be good business for the providers. That is outside the scope of these comments. But the opportunity to have one telecommunications service provider and one bill is an issue of universal design for some consumers. Allowing SBC to provide long distance in the service areas in which it

provides local telephone service will allow consumers to consolidate service providers and simplify their service purchase and payment, thereby assuaging barriers to access that some consumers perceive.

V. Approving SBC's Providing Long-Distance Service in its Service Areas Enhances the Universality of Telecommunications Services for People with Disabilities and Older Adults

Quite frankly, the Campaign does not care whether it is SBC or someone else who operates a robust telecommunications network that reaches all the Campaign's constituents, no matter where they live and work. Indeed, the Campaign approves of Bell Atlantic's providing long-distance service in New York and Massachusetts and will support other applications by other local telephone companies that retain their obligation to serve all people with disabilities and older adults in their service areas. (Of course, under the 1996 Telecommunications Act only the regional Bell operating companies are in a position to need that support.) The Campaign's concern is that, everywhere in the Nation, someone provide new and future telecommunications services in a robust fashion at affordable prices to consumers whom competitors perceive as "marginal."

A. Only the Incumbent Local Telephone Companies Will Provide Universal Service.

For SBC's service areas in Missouri and elsewhere, the reality of who will provide that service is simple – it is SBC and only SBC. Obviously, SBC's universal service is a heritage of prior regulatory frameworks. Regardless of why it got to the point of providing

universal service, however, the fact is it does. And none of the new competitors are willing or interested in taking on that role.

A survey of local telephone service offers in Missouri and elsewhere makes this observation abundantly clear. For example, ExOp of Missouri, Inc. (see <http://www.exop.net/multi.htm>), advertises itself as a local telephone company serving parts of rural Missouri. It offers as a basic package of a "Basic Phone Line with MCA and Long Distance Access," coupled with Digital Television service with more than 100 channels included and digital music, all for the monthly rate of \$48.99, plus state, local, and federal taxes. One cannot discern whether ExOp offers standalone residential telephone service from its Internet advertising. This basic package is hardly designed to provide universal service.

Also consider EZ Talk Communications, LLC, which advertises itself as a telephone service reseller to Missouri consumers with a service plan that solves interruption of service problems customers may have had in the past, indicating that it is a high-rate alternative provider for high credit risk consumers. It chooses not to disclose its service prices on the Internet, but its call-in sales number discloses its rates at \$42.95 per month, after paying a start up charge and, of course, in addition, state, local, and federal taxes. See <http://www.eztalktelephone.com/index2.html>. Likewise, Global Prepaid Alliance advertises it provides basic local dialtone service for Missouri and other consumers with poor credit ratings for \$49.95 per month, plus state, local, and federal taxes. See <http://www.gpa.net/index2.html>.

Birch Telecom provides a full array of competitive local telephone service to small and medium businesses in much of Missouri, but not yet at least for residential customers. See <http://www.birchtelecom.net/>.

The Commission has seen these patterns elsewhere. For example, My New Phone offers basic local service in Oklahoma, Texas, and Louisiana. also offers vertical services "such as Call Waiting" "free" for the first three months. See <http://www.mynewphone.com/>. But the price for basic service at the time of this filing is \$43 per month plus state, local, and federal taxes, and the target market seems to be poor-credit-risk consumers, hardly an attractive offer for a responsible limited income person with a disability or older adult.

Sage Telecom, Inc. advertises local residential service in Texas, but only for customers who buy at least 50 minutes per month of long-distance service with the deal. See <http://www.sagetelecom.net/Residential.asp>. That may be a very attractive program for some residential customers, and still not for someone on a low, fixed income who does not make long distance calls. This competitor is culling many of the Campaign's constituents out from its target market.

Economic realities of the local telephone business should, and probably do, explain this pattern. Common wisdom in the industry is that commercial, urban, and higher end residential customers subsidize noncommercial, rural, and lower end residential customers. Empirical evidence of that is hard to find.

A study done by SBC of the profitability of its wire offices in its Southwestern Bell states (Arkansas, Kansas, Missouri, Oklahoma, and Texas), however, supports that